

07 CV 6540 (NRB)

Plaintiff,

- against -

AFFIDAVIT

IMPEX INTERNATIONAL,

Defendant.

-----X  
STATE OF NORTH CAROLINA  
COUNTY OF MECKLENBURG

} ss.:

DAVE JOHNSON, being duly sworn, deposes and says:

1. I am the Litigation Analyst in the offices of Credit and Collection for MAERSK LINE ("ML"), the plaintiff in the referenced matter. As such, I am personally familiar with the facts and circumstances herein, and I make this affidavit in support of plaintiff's Motion for Final Judgment by Default against defendant IMPEX INTERNATIONAL.

2. ML's records show that defendant IMPEX INTERNATIONAL was the shipper of goods carried on plaintiff's Vessels, and is the party responsible to remit the ocean freight and related charges due as set forth in the Complaint. Such charges are true and accurate pursuant to ML's tariff, are the responsibility of defendant IMPEX INTERNATIONAL, and remain unpaid. Since the inception of the action, defendant has remitted \$5,110.00, leaving a balance due of \$2,350.00 on B/L MAEU522999757.

Dated: Charlotte, North Carolina  
September 7, 2007

  
DAVE JOHNSON

Sworn to before me this  
10 day of September, 2007

  
Notary Public

My Commission Expires  17, 2008

5-638552

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
MAERSK LINE,

Plaintiff,

- against -

IMPEX INTERNATIONAL,

Defendant.  
-----X

07 CIV. 6540 (NRB)

AFFIDAVIT FOR  
JUDGMENT BY  
DEFAULT

STATE OF NEW YORK }

COUNTY OF NEW YORK }

SS.:

ALBERT J. AVALLONE, being duly sworn, deposes and says:

1. I am a member of the Bar of this Court and am a member of the firm of the Law Offices of Albert J. Avallone & Associates, attorneys for the plaintiff in the above entitled action, and I am familiar with all the facts and circumstances in this action.

2. I make this affidavit in support of plaintiff's application for the entry of a default judgment against defendant IMPEX INTERNATIONAL.

3. This is an action to recover unpaid ocean freight owed by defendant to plaintiff for the transportation of certain goods of the defendant by the plaintiff.

4. Jurisdiction of the subject matter of this action is based on maritime jurisdiction.

5. This action was commenced by the filing of a Summons and Complaint. A copy of the Summons and Complaint was served on defendant IMPEX INTERNATIONAL on August 13, 2007 by personal service on Robert Keith, agent for service, and a proof of service was filed. The defendant has not answered the Complaint and the time for the defendant to answer the Complaint has expired.

balance due of \$2,350.00, plus interest at 6% from May 18, 2007, as shown by the  
annexed Statement, which is justly due and owing, and no part of which has been  
paid except as therein set forth.

7. The disbursements sought to be taxed have been made in this  
action or will necessarily be made or incurred herein.

WHEREFORE, plaintiff requests the entry of Default and the entry of  
the annexed Judgment against defendant.

Dated: New York, New York  
October 24, 2007

  
ALBERT J. AVALLONE

Sworn to before me this  
24th day of October, 2007

  
Notary Public

DOROTHY C. MERITE  
Notary Public, State of New York  
No. 31-4961997  
Qualified in New York County  
My Commission Expires 2/12/10

5-638552

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
MAERSK LINE,

Plaintiff,

- against -

07 CIV. 6540 (NRB)

IMPEX INTERNATIONAL,

Defendant.  
-----X

STATE OF NEW YORK  
COUNTY OF NEW YORK

} SS.:

ALBERT J. AVALLONE, being duly sworn, deposes and says:

I am a member of the Bar of the Court and am a member of the firm of the Law Offices of Albert J. Avallone & Associates, attorneys for the plaintiff. As such, I am familiar with the facts and circumstances in the above entitled action.

Jurisdiction of plaintiff's claim is based upon maritime jurisdiction.

In my opinion, this Court has jurisdiction over the person and subject matter of this action.

Dated: New York, New York  
October 24, 2007

  
ALBERT J. AVALLONE

Sworn to before me this  
24th day of October, 2007

  
Notary Public

DOROTHY C. MERITE  
Notary Public, State of New York  
No. 31-4861887  
Qualified in New York County  
My Commission Expires 2/12/12